

## SENATE BILL NO. 290

INTRODUCED BY E. FRANKLIN

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING CERTIFIED ADVANCED PRACTICE REGISTERED NURSES TO PROVIDE MEDICAL CERTIFICATION OF A CAUSE OF DEATH ON A DEATH CERTIFICATE; AND AMENDING SECTIONS 50-15-101, 50-15-403, 50-15-404, AND 50-15-405, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 50-15-101, MCA, is amended to read:

**"50-15-101. Definitions.** Unless the context requires otherwise, in parts 1 through 4, the following definitions apply:

(1) "Advanced practice registered nurse" means an individual who has been certified as an advanced practice registered nurse as provided in 37-8-202.

~~(1)~~(2) "Dead body" means a human body or parts of a human body from which it reasonably may be concluded that death occurred.

~~(2)~~(3) "Department" means the department of public health and human services provided for in 2-15-2201.

~~(3)~~(4) "Dissolution of marriage" means a marriage terminated pursuant to Title 40, chapter 4, part 1.

~~(4)~~(5) "Fetal death" means death of the fetus prior to the complete expulsion or extraction from its mother as a product of conception, notwithstanding the duration of pregnancy. The death is indicated by the fact that after expulsion or extraction, the fetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. Heartbeats are distinguished from transient cardiac contractions. Respirations are distinguished from fleeting respiratory efforts or gasps.

~~(5)~~(6) "Final disposition" means the burial, interment, cremation, removal from the state, or other authorized disposition of a dead body or fetus.

~~(6)~~(7) "Invalid marriage" means a marriage decreed by a district court to be invalid for the reasons contained in 40-1-402.

~~(7)~~(8) "Live birth" means the complete expulsion or extraction from the mother as a product of conception, notwithstanding the duration of pregnancy. The birth is indicated by the fact that after expulsion or extraction, the child breathes or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. Heartbeats are distinguished from transient cardiac contractions. Respirations are distinguished from fleeting respiratory efforts or gasps.

~~(8)~~(9) "Local registrar" means a person appointed by the department to act as its agent in administering this chapter in the area set forth in the letter of appointment.

~~(9)~~(10) "Person in charge of disposition of a dead body" means a person who places or causes a dead body or the ashes after cremation to be placed in a grave, vault, urn, or other receptacle or otherwise disposes of the body or fetus and who is a funeral director licensed under Title 37, chapter 19, an employee acting for a funeral director, or a person who first assumes custody of a dead body or fetus.

~~(10)~~(11) "Physician" means a person legally authorized to practice medicine in this state.

~~(11)~~(12) "Registration" means the process by which vital records are completed, filed, and incorporated into the official records of the department.

~~(12)~~(13) "Research" means a systematic investigation designed primarily to develop or contribute to generalizable knowledge.

~~(13)~~(14) "System of vital statistics" means the registration, collection, preservation, amendment, and certification of vital records. The term includes the collection of reports required by this chapter and related activities, including the tabulation, analysis, publication, and dissemination of vital statistics.

~~(14)~~(15) "Vital records" means certificates or reports of birth, death, fetal death, marriage, and dissolution of marriage and related reports.

~~(15)~~(16) "Vital statistics" means the data derived from certificates or reports of birth, death, fetal death, induced termination of pregnancy, marriage, and dissolution of marriage and related reports."

**Section 2.** Section 50-15-403, MCA, is amended to read:

**"50-15-403. Preparation and filing of death or fetal death certificate.** (1) A person in charge of disposition of a dead body or fetus that weighs at least 350 grams at death or, if the weight is unknown, has reached 20 completed weeks of gestation at death shall obtain personal data on the deceased[, including the deceased's social security number, if any,] or, in the case of a fetal death, on the parents

1 that is required by the department from persons best qualified to supply the data and enter it on the death  
2 or fetal death certificate.

3 (2) The person in charge of disposition of the dead body or fetus shall present the death certificate  
4 to the certifying physician, the certifying advanced practice registered nurse, or the coroner having  
5 jurisdiction for medical certification of the cause of death. The medical certification must be completed by  
6 the physician, the advanced practice registered nurse, or the coroner within the timeframe established by  
7 the department by rule. The person in charge of disposition shall obtain the completed certification of the  
8 cause of death from the physician, the advanced practice registered nurse, or the coroner and shall, within  
9 the time that the department may prescribe by rule, file the death or fetal death certificate with the local  
10 registrar in the registration area where the death occurred or, if the place of death is unknown, where the  
11 dead body was discovered.

12 (3) If a dead body is found in this state but the place of death is unknown, the place where the  
13 body is found must be shown as the place of death on the death certificate. If the date of death is  
14 unknown, then the approximate date must be entered on the certificate. If the date cannot be  
15 approximated, the date that the body was found must be entered as the date of death, and the certificate  
16 must indicate that fact.

17 (4) When a death occurs in a moving vehicle, as defined in 45-2-101, in the United States and  
18 the body is first removed from the vehicle in this state, the death must be registered in this state and the  
19 place where the body is first removed is considered the place of death. When a death occurs in a moving  
20 vehicle while in international air space or in a foreign country or its air space and the body is first removed  
21 from the vehicle in this state, the death must be registered in this state, but the actual place of death,  
22 insofar as it can be determined, must be entered on the death certificate. (Bracketed language terminates  
23 on occurrence of contingency--sec. 3(2), Ch. 27, L. 1999.)"

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25 **Section 3.** Section 50-15-404, MCA, is amended to read:

26 **"50-15-404. Preparation of certificate when death not medically attended.** (1) If the death or fetal  
27 death occurred without medical attendance or the physician or advanced practice registered nurse last in  
28 attendance failed to sign the death certificate, the local registrar may complete the certificate on the basis  
29 of information received from persons having knowledge of the facts.

30 (2) If it appears the death or fetal death resulted from other than natural causes, the local registrar

1 shall notify the coroner and the state medical examiner for investigation and certification."

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3 **Section 4.** Section 50-15-405, MCA, is amended to read:

4 **"50-15-405. Authorization for removal of body from place of death.** (1) Except as provided in  
5 subsection (2), a dead body may be removed from the place of death only upon the written authorization  
6 or oral authorization, which must be reduced to writing within 24 hours, of the physician in attendance  
7 at death or the physician's designee, the advanced practice registered nurse in attendance at death, the  
8 coroner having jurisdiction, or a mortician licensed under 37-19-302.

9 (2) If the death requires inquiry under 46-4-122, the written authorization may only be granted  
10 by the coroner having jurisdiction or the coroner's designee or by the state medical examiner if the coroner  
11 fails to act. However, when the only reason for inquiry under 46-4-122 is that the body is to be cremated,  
12 the coroner may grant oral authorization for cremation of the body, which must be reduced to writing as  
13 specified under subsection (1) by the coroner.

14 (3) The written authorization to move a dead body or, when applicable, to cremate a dead body  
15 must be made in quadruplicate on a form provided by the department. The person in charge of disposition  
16 of the dead body, the coroner having jurisdiction, and the local registrar must each be provided with and  
17 retain a copy of the authorization. A fourth copy may accompany the body to final disposition, as  
18 necessary.

19 (4) A written authorization issued under this section permits removal, transportation, and final  
20 disposition of a dead body."

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